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EXAMINER
PHAM, MICHAEL

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>16 November 2009</u>.
2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-26</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/16/09 has been entered.

Claim Status

2.   Claims 1-26 are pending.

3.   Claims 1-26 have been examined.

Claim Rejections - 35 USC § 101

4.   Regarding claims 13-26, these claims recite a "volatile or non-volatile machine-readable

storage medium". In the absence of any modifying disclosure of this limitation in the

specification, the examiner interprets the terms 'volatile or non-volatile machine-readable storage

medium' as limited to statutory embodiments only as required under the terms of 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

5.   Claims 1 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete

for omitting essential elements, such omission amounting to a gap between the elements. See

MPEP § 2172.01. The omitted elements are: Applicant's claim that a tag that does not conform

to a database language of said statement. How does a tag not conform to the database language?

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign
> country or in public use or on sale in this country, more than one year prior to the date of
> application for patent in the United States.

7.   Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent

Application Publication 2003/0014394 by Fujiwara et. al. (hereafter Fujiwara).

Claim 1 :

Fujiwara discloses the following claimed limitations:

"a database server receiving a request to execute the database statement"[0074, translated

query is transmitted to the DBMS where the query is executed] ", wherein the request includes

the database statement and a tag that does not conform to a database language;"[abstract, original

queries are modified to contain mask functions for those cells which controlled access in

accordance with an access policy is desired. Figure 12 element 1202. Accordingly, wherein the

request specifies the database statement (figure 12 element 1202, sql) and a tag that does not

conform to a database language of said database statement (figure 12 element 1202,

mask.pt_id(c.pt_id, i.vst))]

"wherein said tag specifies at least one parameter field and at least one parameter value;"[abstract, mask function. Figure 12 element 1202. Figure 10. Accordingly, wherein said tag (mask) specifies at least one parameter (figure 10, function p_nm(..., ..., ...)) and at least one parameter value (figure 10, key_pt_id number, key_vst number, org_p_nm varchar2)]

"in response to receiving the request, said database server storing the tag;"[figure 12 elements 1202 and 1222. Accordingly, in response to receiving the request (1202), said database server storing the tag (figure 12 elements 702, 1222)]

"said database server executing said database statement,"[0074, translated query is transmitted to the DBMS where the query is executed] "wherein during execution of said database statement said database server provides access to one or more of the at least one parameter value through a tag access mechanism provided by said database server."[figure 12 elements 702, 1202 and 1222. Accordingly, wherein during execution of said database statement (figure 12, 1202) said database server provides access to one or more of the at least one parameter value (figure 12 element 704, 1202) through a tag access mechanism (figure 12 element 1222) provided by said database server (figure 12 element 704)]

Claim 2 :

Fujiwara further discloses "wherein the database statement is written in a language in which results desired are specified <u>by the database statement</u>, and no procedures for obtaining the results desired are specified <u>by the database statement</u>." [figure 12. Accordingly, wherein the database statement is written in a language (SQL) in which results desired are specified by the database statement (select), but no procedures for obtaining the results desired are specified by

the database statement (mask functions)]

Claim 3 :

Fujiware further discloses "wherein a priority for executing the database statement is determined

based on the at least one parameter value." [0052. Accordingly, wherein a priority for executing

the database statement (query) is determined based on the at least one parameter value

(pt_id/p_nm)]

Claim 4 :

Fujiwara further discloses "wherein a security level is associated with the at least one parameter

such that whether the database is entitled to access a component is based on the at least one

parameter." [figure 8 and 0052. Accordingly, wherein a security level (access level) is

associated with the at least one parameter (pt_id/p_nm) such that whether the database (figure 12

element 704) is entitled to access a component (patient list) is based on the at least one parameter

(pt_id/p_nm)]

Claim 5 :

Fujiwara further discloses "wherein the at least one parameter is accessible to a systems

administrator. "[figure 8 and 0044, administrator]

Claim 6 :

Fujiwara further discloses "wherein the at least one parameter is related to user context

information." [figure 8, executive, medical doctor, financial analyst]

Claim 7 :

Fujiwara further discloses "wherein the tag comprises an indicator of a beginning of the tag, and

an indicator of an end of the tag."[figure 13. Accordingly, wherein the tag (mask.pt_id(c.pt_id,

i.vst) pt_id) comprises an indicator of a beginning of the tag ("mask.pt_id("), and an indicator of

an end of the tag (")")]

Claim 8 :

Fujiwara further discloses "wherein the at least one parameter value is located between the

indicator of the beginning and the indicator of the end of the tag." [figure 13, Accordingly,

wherein the at least one parameter value ((c.pt_id, i.vst)) is located between the indicator of the

beginning ("mask pt_id(") and the indicator of the end of the tag(")").]

Claim 9 :

Fujiwara further discloses "wherein each of the at least one parameter fields comprises an

indicator of a beginning of the parameter field, followed by the parameter value, which in turn is

followed by an indicator of an end of the parameter field." [figure 13. Accordingly, wherein

each of the at least one parameter fields ((c.pt_id, i.vst))comprises an indicator of a beginning of

the parameter field("mask pt_id("), followed by the parameter value (c.pt_id, i.vst), which in turn

is followed by an indicator of an end of the parameter field (")")]

Claim 10 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed without

accessing memory allocated to a database session, wherein the database statement was issued

within the database session"[figure 12. Accordingly, wherein the at least one parameter value

(figure 12 element 1202, c.pt_ID, i.vst) can be accessed without accessing a session space (figure

12 element 1224, filter MD()) associated with a session window (figure 12 element 702),

wherein the database statement (figure 12 element 1202) was issued within the session window

(figure 12 element 702)].

Claim 11 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed without

accessing memory allocated to a database session, wherein the database statement was issued

within the database session." [figure 12. Accordingly, wherein the at least one parameter value

(Figure 12 element 1202, example.. c.PT_ID, i.VST) can be accessed (Figure 12, element 1202,

Issue SQL query) without accessing memory allocated to a database session (figure 12 element

702), wherein the database statement was issued (figure 12 element 734, issued SQL

query)within the database session (Figure 12 element 734, Report templates)]

Claim 12 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed without accessing memory allocated to a database session, wherein the database statement was issued within the database session." [figure 12. Accordingly, wherein the at least one parameter value (Figure 12 element 1202, example.. c.PT_ID, i.VST) can be accessed (Figure 12, element 1202, Issue SQL query) without accessing memory allocated to a database session (figure 12 element 702), wherein the database statement was issued (figure 12 element 734, issued SQL query)within the database session (Figure 12 element 734, Report templates)]

Claim 13 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed after a session window has closed, wherein the database statement was issued within the session window." [figure 12. Accordingly, wherein the at least one parameter value can be accessed (figure 12 element 1202, c.PT_ID, i.VST) after a session window has closed (figure 12 element 734), wherein the database statement was issued within the session window (figure 12 element 734 and 1202)]

Claim 14 :

Fujiwara discloses the following claimed limitations:

"a database server receiving a request to execute a database statement"[0074, translated query is transmitted to the DBMS where the query is executed] ", wherein the request includes the database statement and a tag that does not conform to a database language;"[abstract, original queries are modified to contain mask functions for those cells which controlled access in

accordance with an access policy is desired. Figure 12 element 1202. Accordingly, wherein the

request includes the database statement (figure 12 element 1202, sql) and a tag that does not

conform to a database language (figure 12 element 1202, mask.pt_id(c.pt_id, i.vst))]

"wherein said tag specifies at least one parameter field and at least one parameter

value;"[abstract, mask function. Figure 12 element 1202. Figure 10. Accordingly, wherein said

tag (mask) specifies at least one parameter (figure 10, function p_nm(…, ..., ...)) and at least one

parameter value (figure 10, key_pt_id number, key_vst number, org_p_nm varchar2)]

"in response to receiving the request, said database server storing the tag;"[figure 12

elements 1202 and 1222. Accordingly, in response to receiving the request (1202), said database

server storing the tag (figure 12 elements 702, 1222)]

"said database server executing said database statement,"[0074, translated query is

transmitted to the DBMS where the query is executed] "wherein during execution of said

database statement said database server provides access to one or more of the at least one

parameter values through a tag access mechanism provided by said database server."[figure 12

elements 702, 1202 and 1222. Accordingly, wherein during execution of said database statement

(figure 12, 1202) said database server provides access to one or more of the at least one

parameter values (figure 12 element 704, 1202) through a tag access mechanism (figure 12

element 1222) provided by said database server (figure 12 element 704)]

Claim 15 :

Fujiwara further discloses "wherein the database statement is written in a language in which

results desired are specified, but no procedures for obtaining the results desired are specified."

[figure 11. Accordingly, wherein the database statement is written in a language (SQL) in which results desired are specified (select), but no procedures (no mask functions) for obtaining the results desired are specified (SQL)]

Claim 16 :

Fujiware further discloses "wherein a priority for executing the database statement is determined based on the at least one parameter value." [0052. Accordingly, wherein a priority for executing the database statement (query) is determined based on the at least one parameter value (pt_id/p_nm)]

Claim 17 :

Fujiwara further discloses "wherein the at least one parameter is accessible to a systems administrator. "[figure 8 and 0044, administrator]

Claim 18 :

Fujiwara further discloses "wherein the at least one parameter is related to user context information." [figure 8, executive, medical doctor, financial analyst]

Claim 19 :

Fujiwara further discloses "wherein the tag comprises an indicator of a beginning of the tag, and an indicator of an end of the tag."[figure 13. Accordingly, wherein the tag (mask.pt_id(c.pt_id, i.vst) pt_id) comprises an indicator of a beginning of the tag ("mask.pt_id("), and an indicator of

an end of the tag (")")]

Claim 20 :

Fujiwara further discloses "wherein the at least one parameter value is located between the

indicator of the beginning and the indicator of the end of the tag." [figure 13, Accordingly,

wherein the at least one parameter value ((c.pt_id, i.vst)) is located between the indicator of the

beginning ("mask pt_id(") and the indicator of the end of the tag(")").]

Claim 21 :

Fujiwara further discloses "wherein each of the at least one parameter fields comprises an

indicator of a beginning of the parameter field, followed by the parameter value, which in turn is

followed by an indicator of an end of the parameter field." [figure 13. Accordingly, wherein

each of the at least one parameter fields ((c.pt_id, i.vst))comprises an indicator of a beginning of

the parameter field("mask pt_id("), followed by the parameter value (c.pt_id, i.vst), which in turn

is followed by an indicator of an end of the parameter field (")")]

Claim 22 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed without

accessing memory allocated to a database session, wherein the database statement was issued

within the database session"[figure 12. Accordingly, wherein the at least one parameter value

(Figure 12 element 1202, example.. c.PT_ID, i.VST) can be accessed (Figure 12, element 1202,

Issue SQL query) without accessing memory allocated to a database session (figure 12 element

702), wherein the database statement was issued (figure 12 element 734, issued SQL

query)within the database session (Figure 12 element 734, Report templates)]

Claim 23 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed without

accessing memory allocated to a database session, wherein the database statement was issued

within the database session." [figure 12. Accordingly, wherein the at least one parameter value

(Figure 12 element 1202, example.. c.PT_ID, i.VST) can be accessed (Figure 12, element 1202,

Issue SQL query) without accessing memory allocated to a database session (figure 12 element

702), wherein the database statement was issued (figure 12 element 734, issued SQL

query)within the database session (Figure 12 element 734, Report templates)].

Claim 24 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed without

accessing memory allocated to a database session, wherein the database statement was issued

within the database session." [figure 12. Accordingly, wherein the at least one parameter value

(Figure 12 element 1202, example.. c.PT_ID, i.VST) can be accessed (Figure 12, element 1202,

Issue SQL query) without accessing memory allocated to a database session (figure 12 element

702), wherein the database statement was issued (figure 12 element 734, issued SQL

query)within the database session (Figure 12 element 734, Report templates)].

Claim 25 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed after a

session window has closed, wherein the database statement was issued within the session

window." [figure 12. Accordingly, wherein the at least one parameter value can be accessed

(figure 12 element 1202, c.PT_ID, i.VST) after a session window has closed (figure 12 element

734), wherein the database statement was issued within the session window (figure 12 element

734 and 1202)].

Claim 26 :

Fujiwara further discloses "wherein a security level is associated with the at least one parameter

such that whether the database is entitled to access a component is based on the at least one

parameter." [figure 8 and 0052. Accordingly, wherein a security level (access level) is

associated with the at least one parameter (pt_id/p_nm) such that whether the database (figure 12

element 704) is entitled to access a component (patient list) is based on the at least one parameter

(pt_id/p_nm)]

Response to Arguments

8.   Applicant's arguments filed 11/16/09 have been fully considered but they are not

persuasive. Applicant's primarily asserted the following:

A. Applicant's state that that "in a particular embodiment described in

Applicant's specification, an execution interface includes a SQL database statement and an

XML tag par. [0036-0045]. In one example of a particular embodiment described, the

execution interface is "**DBMS_SQL.PARSE(cursr, 'SELECT * FROM emp', v7, 'resource
= g1 id=scott'). Par. [0041]**".

In response, this assertion does not serve any purpose. It is a mere example, examples
are not definitions nor do they limit the scope.

**B. That 0054 of fujiwara discloses that mask functions are either (1) conventional
calls already defined in SQL (i.e. language that conforms to SQL), or (2) mask function
calls supported in a modified version of SQL (i.e. language that conforms to SQL version
that supports mask functions) that is used by the database server. That either way, the
calls to the mask functions conform to the language of the database statement. That
therefore Fujiwara does not disclose "a request that includes both a database statement
and a tag that does not conform to a language of the database language statement" as
featured in every pending claim.**

In response, the examiner disagrees that the limitation is not disclosed.

Fujiwara 0054, states in part: "In accordance with an embodiment of the invention, mask
functions are defined by conventional SQL-type syntax for user-defined function calls,
sometimes referred to as 'stored procedures', 'a procedure call', and so on. It is understood that
the idea of a mask function may be implemented in other ways. For example, the SQL language
can be redefined to include mask function capability. The use of user definable functions,
however, has the advantage of not having to provide for custom SQL language."

Furthermore in particular see figure 12.

Accordingly, the request (figure 12, element 1202) discloses both a database statement (figure 12 element 1202, SQL query) and tags (mask functions calls).

The mask function calls do not conform with an SQL query language because the SQL query language must be translated, see figure 12 element 1210. Therefore, a mask function call does not conform to SQL language. In other words, the mask functions are not a part of the SQL language and therefore do not conform.

The request to the database management server in figure 12 receives figure 12 element 1202 and therefore receives the statement and the mask function calls.

Therefore, a request (figure 12 element 1202) that includes both a database statement (figure 12 element 1202 SQL query) and a tag (Mask function calls) that does not conform to a language (Figure 12 element 1210 translate) of the database language statement (SQL).

C. Applicant's further discuss the differences between a translated query and an original query pointing out figures 11-13. Then stating that fujiwara does not show receiving a request that includes both a database statement and a tag that does not conform to a language of said database language statement.

In response the examiner disagrees that Fujiwara does not disclose "a request that includes both a database statement and a tag that does not conform to a language of said database language statement". In regards to the limitation please see Part B and the rejection.

In regards to the figures, it appears, applicant's are asserting that a request is different. In response, the examiner disagrees. Figure 1 of applicant's specification element 103 indicates that the request including both the statement and a tag being sent to a database server. Figure 12

element 1202 indicates the discloses the same since it includes an SQL statement as well as the

mask functions being sent to a database server.

Conclusion

9.   The prior art of record listed on PTO-892 and not relied, if any, upon is considered

pertinent to applicant's disclosure.

Contact Information

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL PHAM whose telephone number is (571)272-3924.

The examiner can normally be reached on 9am-5pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./   /John R. Cottingham/
Examiner, Art Unit 2167   Supervisory Patent Examiner, Art Unit
                                                           2167